

Congress of the United States
Washington, DC 20515

August 1, 2019

Acting Secretary Kevin McAleenan
Department of Homeland Security
3801 Nebraska Avenue, N.W.
Washington, D.C. 20528

Dear Acting Secretary McAleenan:

We write to express our serious concerns over the lack of transparency regarding the Administration's removal procedures of vulnerable populations back to dangerous countries, particularly of the hundreds of "Eritrean nationals residing in the United States who are subject to final orders of removal."¹

In a 2017 press release, the Department of Homeland Security (DHS) announced that visa sanctions would be in place to encourage the cooperation of certain recalcitrant countries to accept their nationals who have been ordered to be removed. It indicated that 700 Eritrean nationals are under final orders of removal but no further updates of where and when they have each been removed. With the limited data that ICE has provided, there seems to be substantial increases in Eritrean removals that warrant follow-up on their removal procedures.

We are particularly concerned that the dramatic increase does not appear to take into account the unique circumstances of the Eritrean human rights crisis. The most recent report of the UN Special Rapporteur assessed the situation of human rights in Eritrea as grim with arbitrary arrests, detentions, tortures, disappearances and extrajudicial executions continuing with regularity.² Human rights violations in the context of indefinite military service, overcrowding in prolonged detention, and an overall lack of freedom of movement and expression still persist as well. This issue of overincarceration has been a death sentence for many Eritreans with deplorable conditions in congested, unsanitary detention facilities. Those who try to escape this horror face extrajudicial killings at the border. UN Special Rapporteurs on Eritrea have continuously determined that this situation is forcing many people to choose between enslavement if they stay or death if they try to leave.

The United States has been active in recognizing this danger. In 2018, the U.S. Department of State's annual human rights report on Eritrea echoed the same assessment of the ongoing state abuses, with indefinite military servitude and brutal detention without charge, sometimes resulting in torture and death. It also noted that many citizens who have fled Eritrea "remain in self-imposed exile due to their religious and political views and fear that they would be conscripted into national service if returned."³ In 2018, the co-chairs of the Tom Lantos

¹ Department of Homeland Security. "DHS Announces Implementation of Visa Sanctions on Four Countries," Sept. 13, 2017. <https://www.dhs.gov/news/2017/09/13/dhs-announces-implementation-visa-sanctions-four-countries>

² UN Human Rights Council. "Report of the Special Rapporteur on the situation of human rights in Eritrea," June 25, 2018. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/189/90/PDF/G1818990.pdf?OpenElement>

³ Department of State. "Eritrea: 2018 Country Report on Human Rights Practices," Bureau of Democracy, Human Rights and Labor, 2018. <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2018&dliid=288961>

Human Rights Commission reiterated these concerns, and they urged the Secretary of State to ensure human rights objectives were taken into consideration when resetting any relations or policies towards Eritrea.

Given these grave circumstances, it is unconscionable to consider removing Eritrean nationals back to Eritrea, where many of them will face imminent danger and death. In 2018, one such removal resulted in the suicide of Zeresenay Ermias Tesfatsion, an ICE detainee who hanged himself in a holding facility at Cairo International Airport en route to Asmara, Eritrea. We must change course. We cannot be one of the only democracies in the world that returns fleeing Eritreans back to their subsequent imprisonment, torture or death in Eritrea.

To better understand the Department's policy on Eritreans, we respectfully request the following information no more than 30 days after receipt of this letter:

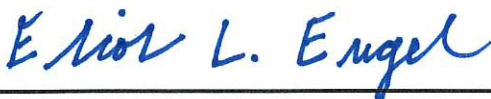
- How many Eritreans have been removed each year from FY11 through FY19?
 - If indeed, there have been substantial increases, what accounts for those increases?
- How many of these individuals were removed to Eritrea and how many to other countries? If not Eritrea, which third countries have accepted the removed?
- How many Eritreans have been removed for having committed crimes in the United States or overseas? Why have the nationals without criminal convictions, been removed?
- For how many Eritreans presently in the U.S. (including in ICE detention) has ICE submitted requests for travel documents from the Eritrean government which are currently outstanding?
- How many of those Eritreans who have been or are designated for removal have applied for some form of relief or protection from removal? How many have been granted some form of protection and how many have been denied?
- What is the Administration doing to ensure the safety of Eritrean nationals during and after their removal proceedings?



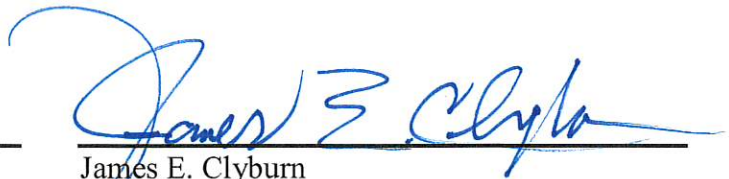
Ilhan Omar
Member of Congress



Bennie G. Thompson
Chairman, House Committee on Homeland Security



Eliot L. Engel
Chairman, House Committee on Foreign Affairs



James E. Clyburn
House Majority Whip



Adam Smith
Member of Congress




Elijah E. Cummings
Member of Congress



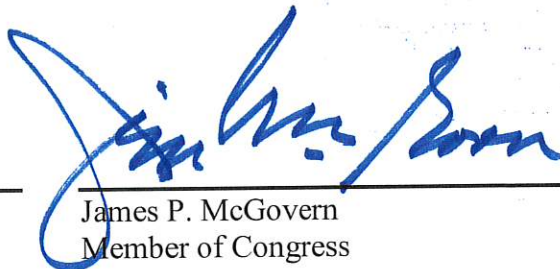
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Zoe Lofgren
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Eddie Bernice Johnson
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Eleanor Holmes Norton
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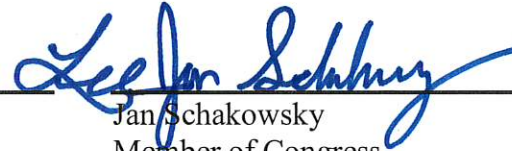
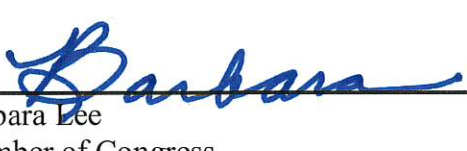
Joe Neguse
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Dina Titus
Member of Congress

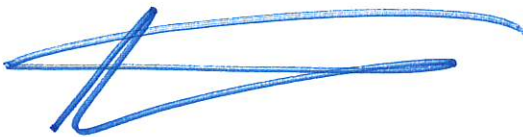


Ro Khanna
Member of Congress

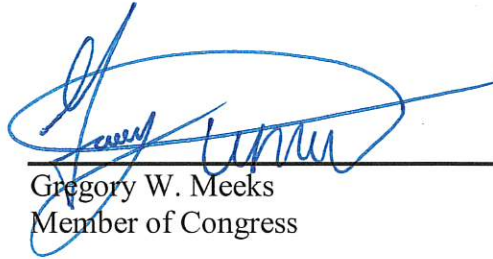


Barbara Lee
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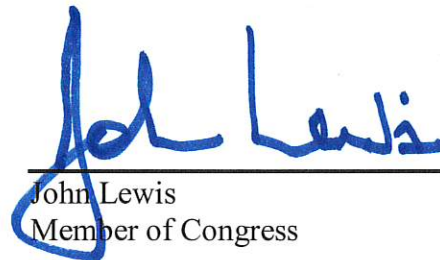
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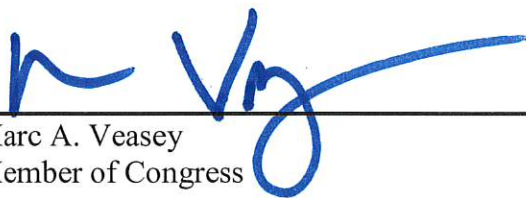
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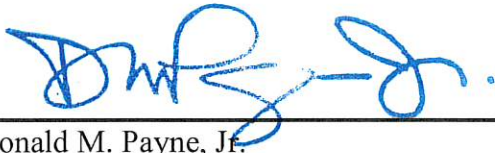
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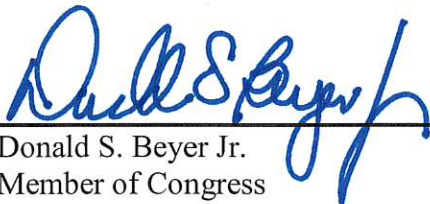
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